IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Crl.MC.No. 3063 of 2007()

CRIME NO. 381/07 OF OLLUR POLICE STATION

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PETITIONER: PETITIONER

JOHNSON @ ANANDHAN, S/O ASOKAN,
PULIKKAL HOUSE, MATTUR AMSOM, DESOM,
ERNAKULAM DISTRICT.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3063 of 2007

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Dated this the 5th day of October, 2007

O R D E R

The petitioner faces allegations under Section 379 I.P.C. He was formally arrested in the present crime on 30.5.2007. He continues in custody from that date. The petitioner was granted regular bail by the learned Sessions Judge as per order dt. 20.8.07. The learned Sessions Judge has insisted that one of the two sureties, who should execute the bonds, must produce a solvency certificate. Because of this onerous condition, the petitioner has not been able to get himself released from custody. He has, in these circumstances, come to this Court with the prayer that the said onerous condition may not be insisted. The learned Magistrate may be directed to consider the sufficiency and adequacy of the sureties produced and the learned Magistrate may not rigidly insist on production of solvency certificate. If such insistence is made, the petitioner will have to remain in custody as he does not have the wherewithals and resources to approach the revenue authorities and get a solvency certificate issued in his favour. He has no relatives to do the same while he is in custody.

2. In the facts and circumstances of the case, I am satisfied that the plight of the petitioner deserves sympathetic consideration. I take note of the fact that he has been continuing in custody from 30.5.07 and is not able to come out of the prison inspite of the order dt. 20.8.07 granting bail to him. I am, in these circumstances, satisfied that the prayer can be allowed.

3. This Crl.M.C. is accordingly allowed. It is directed that the learned Magistrate need not rigidly insist on production of solvency certificate by any of the sureties. The learned Magistrate can accept the sureties, if satisfied that are adequate, sufficient and solvent, on the basis of any material produced before him.

(R. BASANT)
Judge

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